



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

Application Number: 3013256
Applicant Name: Marc Jenefsky of Bazan Architects for WW Investments, LLC
Address of Proposal: 2202 East Olive Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four story building containing 33 residential units, 1,808 square feet of commercial space at the street level, storage for 34 bicycles inside the building, 3 bike spaces outside the building, and no vehicle parking. Existing structures to be demolished.

The following Master Use Permit components are required:

Design Review Departures (SMC Chapter 23.41)

Development Standard Departure to allow horizontal projections to extend beyond 1 foot. (SMC 23.53.035)

Development Standard Departure to allow a curb cut that doesn't lead to vehicular parking. (SMC 23.54.030)

SEPA-Environmental Determination (Chapter 25.05 SMC)

DPD SEPA DETERMINATION:

Determination of Non-significance

- ☐ No mitigating conditions of approval are imposed.
- ☒ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

Site:

The site is zoned NC2-40. This zoning continues to the east and west. NC2-40 and NC3-65 zoning is located to the north. Residential Small Lot/Tandem Cottage (RSL/TC) zoning is located to the south.

The site is 5,157 square feet in size and relatively flat.

Existing vehicular access is via a curb cut at East Olive Street.

Current Development:

The site includes one two-story commercial structure and a one-story garage.

Surrounding Development and Neighborhood Character:

A six-story mixed-use residential and grocery store/retail building with adjacent surface parking lot is located to the north. A two-story residential and one-story commercial building are located to the east. Single family residential structures are located to the south, across E. Olive St. A two story commercial building, a vacant single family structure, and vacant lot are located across 22nd Ave from the site. The vacant structure and vacant lot are the site of approved Master Use Permit 3007358.

The site is located near the intersection of 23rd Avenue and E. Madison Street. This area of E. Madison St has experienced a variety of redevelopment in recent years, and several Master Use Permits are either approved or in process nearby. Recent MUPs are for 6-7 story mixed-use or residential buildings in a variety of contemporary styles.

Areas to the north and west of this site include a mix of older and newer commercial and residential uses. Areas to the south are predominantly early 20th century residential and small multi-family structures. Areas to the east include newer townhouses, older single family residential uses, and institutional uses (religious facilities and the Meredith Matthews YMCA).

The site is located adjacent to a Safeway grocery store and retail spaces, which draw vehicular and pedestrian traffic to the primary entrance on 22nd Ave just north of this site. A second vehicular entrance to the grocery store parking is located on 23rd Avenue. The grocery store includes a large underground parking garage and a small surface parking area.

22nd Ave and E. Olive St are designated non-arterials. Madison St is located one block to the north and is a busy arterial with a high level of vehicles and transit routes connecting downtown with Lake Washington. 23rd Ave is located one block east of this site, and serves as a busy arterial for vehicles and transit moving in a north-south direction. Several bus routes are located within one block of this site. Walking and cycling are frequent modes of transit in this area.

EARLY DESIGN GUIDANCE MEETING: July 11, 2012

The packet includes materials presented at the meeting, and is available online by entering the project number at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.



The packet is also available to view in the DPD file, by contacting the Public Resource Center at DPD:

Mailing Public Resource Center
Address: 700 Fifth Ave., Suite 2000
 P.O. Box 34019
 Seattle, WA 98124-4019

Email: PRC@seattle.gov

The applicant noted that the units range from 175 to 275 square feet in size. The anticipated market is students and younger populations or people who commute to Seattle from other areas of the State and live in the City during the week. Each unit would include a living area with kitchen and bathroom.

The proposal includes setbacks from the north and east property lines to allow for windows on all sides for light and air to the units.

Option A (the applicant's preferred option) includes a private courtyard in the back and an entry facing the corner of E. Olive St and 22nd Ave. This option offers more private outdoor space than the other options, in the form of a roof deck and a courtyard on the north side of the lot. Windows would be located at the corridors facing the courtyard for ventilation.

The applicant noted that the proposal includes removal of a large private tree in a public right of way, since it's diseased and a liability for the property owners. DPD clarified that since this tree is in the public right of way, the decision to retain or remove the tree is solely within the purview of Seattle Department of Transportation.

No vehicle parking is proposed. The proposal includes secured parking for 20 bicycles. The bicycle storage would be covered and accessible via a walkway from the loading area. The proposal is targeting LEED Silver.

The applicant noted that the materials could be masonry or brick at the base to reduce graffiti and provide a strong appearance. A more residential siding (panel or lap siding) would be used above, with a third material on the window bays.

PUBLIC COMMENT

The following comments, issues and concerns were raised:

- At-grade residential units should be elevated because the pedestrian traffic and vehicular traffic creates noise for residents at grade.
- Appreciation for minimizing opportunities for graffiti at street level.
- The corner entry is a good option.
- High amount of vehicular traffic and people idling in the grocery surface parking area leads to poor air quality.
- With no vehicular parking and the small unit sizes, the applicant should provide more bicycle parking for residents.
- The street tree should be pruned down for safety, rather than removed.
- The internal courtyard doesn't reduce the building mass and doesn't provide much usable area. It should be replaced with more modulation of the mass at the street front, or setbacks at the street frontages.

- Appreciates that there are kitchens proposed in each unit that allow people to eat at home.

SECOND EARLY DESIGN GUIDANCE MEETING: August 15, 2012

The packet includes materials presented at the meeting, and is available online by entering the project number at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

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The applicant summarized changes since the first EDG meeting:

- The primary entry and an entry courtyard were modified to a location at E. Olive St.
- The stair was relocated to the southwest corner to provide easy access and a lighted corner expression.
- Bicycle storage was increased to 1 storage space per unit.
- Bicycle lockers would be provided for security.
- The building location was shifted to the east and plans included heavy pruning of the street tree in order to retain the tree.
- The proposed height was increased by 4' to accommodate the live-work units at the E. Olive St frontage. The interior live-work unit design included a sleeping loft.
- A loading area shown at the first EDG meeting was modified as a covered walkway with secure bicycle parking area and an adjacent trash/recycling storage. This area would be separated from the sidewalk by a tall gate/fence.
- The live-work units would meet the minimum average of 15' deep, but would be less than 30' deep.
- Materials included brick at the base, precast concrete, and corrugated metal.
- The east façade would be a solid wall, with the exception of a window at the end of the hallway corridor.

PUBLIC COMMENT

The following comments, issues and concerns were raised:

- Bicycle storage spaces should also be included for the live-work units, in addition to the spots for the residential units.
- Appreciated the proposed glass on all levels of the stair tower.
- Would like to see parking included in the proposal.
- The landscaping between the building and sidewalk, and the sidewalk and curb are positive aspects of the proposal.
- Concerned about the number of units in the proposed development.
- Live-work units should be designed so the non-residential space functions as true commercial space.

- The proposal needs to include loading areas for moving tenants.
- The trash collection and covered walkway should be appropriately screened from the property to the east.
- The loading space should be wide enough to accommodate moving trucks.
- The rooftop deck should be designed to minimize sound impacts to nearby properties.

FINAL RECOMMENDATION MEETING: May 29, 2013

The packet includes materials presented at the meeting, and is available online by entering the project number at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

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The applicant explained that DPD did not approve a 7' or 4' height bonus through the zoning review, since the proposal didn't meet the Land Use Code requirements for additional height. In response to EDG, the ground floor has been changed to include commercial uses, rather than the live-work units shown at the second EDG meeting. The commercial spaces would meet all Land Use Code requirements for height and depth and would be clad in masonry to respond to the nearby commercial context.

The rooftop deck includes concrete pavers, concrete planters, and a vertical planter screen to reduce noise from residents on the deck.

Materials include masonry, corrugated metal, cementitious panels with aluminum reveals, vinyl windows with a darker frame color, blue metal doors, steel canopies, and metal decorative gates at the entry and trash storage gate. The applicant explained that the metal gate pattern shown in the packet isn't necessarily the final design, but the intent is to provide a decorative metal panel design at these locations.

PUBLIC COMMENT

The following comments, issues and concerns were raised:

- The proposed design is overall positive, but the east wall should be modified to add windows to mitigate the appearance of the blank wall and take advantage of the east facing views of the Cascades.
- Concerned that the shrubs on the north side of the site could cause security problems and won't grow well.
- The blank wall on the east façade isn't problematic in this area, since there are larger blank walls in other parts of the East Design Review Board area.
- The entrance and trash storage shouldn't be gated, and the entry should be designed to be more welcoming.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

EARLY DESIGN GUIDANCE (JULY 11, 2012):

1. **Departure Request and EDG Options:** The Board was concerned that none of the EDG options included an option for placing the residential units above grade or including 13' tall commercial spaces.
 - a. The analysis of options needs to include separation of residential uses from the high amount of pedestrian and vehicular traffic. The grid shift adds to the impacts of vehicular traffic at the street level. The location of residential units should respond to these street conditions. (A-1, A-2, A-6, A-10, D-7)
 - b. The proposed translucent window treatments would deaden the activity at the street and are not a positive response to the residential character across the street. (A-4, C-3, C-4)
 - c. Raising the street level could provide opportunities for stoops or vegetation to soften the street level design. (A-6, D-12, E-2)
 - d. The Board directed the applicant to return for a second EDG meeting with options that explore locating residential units above grade, the entry location and courtyard located to enhance human activity at the East Olive Street frontage and to break up the massing.
2. **Usability and Security of Bike Parking:** Additional bicycle storage areas are needed, given the size of the units and the anticipated residents of the building. (D-1, D-6, D-7)
 - a. The proposed location is easily accessible from the street and doesn't include 'eyes' on the storage area, which may encourage theft. The location needs to be visible to residents, easily accessible for residents, and feel like a secure place to leave bicycles. (D-7)
 - b. A possibility would be to locate it near the end of the secondary exit hallway, placing residents near the building entry. (D-1, D-7)
3. **Orientation of courtyard:** The applicant should consider other configuration options for the north-facing courtyard. (A-1, A-2, A-3, A-7, B-1)
 - a. A south-facing courtyard could work better to provide natural light and air to residential units, and to mitigate the mass at the south street frontage. (A-7, B-1)
 - b. The south facing courtyard would provide sufficient modulation to reduce the need for busy articulation shown. (B-1, C-2)
4. **Residential Entry Location:**
 - a. A south-facing entry and courtyard may be a better option because it would add human activity to the street frontage. (A-4, D-1)
 - b. Live-work style units or other active uses are needed at the south street level in order to encourage pedestrian activity at Olive Street. (A-4)

SECOND EARLY DESIGN GUIDANCE (AUGUST 15, 2012):

1. **Corner treatment and visibility of stair tower related to the grid shift (A-1, A-2, A-10)**

- a. The entry location on E. Olive St is appropriate, but the southwest corner should be designed to take advantage of the high visibility of that building corner at this shift in the grid.
 - b. The high visibility of the southwest corner seems to translate directly to a commercial use or other highly transparent and active use.
 - c. The corner should be designed to emphasize visual continuity with the rest of the street level of the building, and relate to neighborhood context.
2. **Massing and design concept (B-1, C-2)**
 - a. Any cornice or upper floor overhang should enhance the overall design of the building.
 - b. The stair tower at the corner may have to be taller than shown; the design of this tower should be consistent with the design concept.
 - c. The base should be designed with a strong consistent expression. The base should have more visual weight than the upper building mass. One way to achieve this is to provide a consistent commercial base. The Board noted that the bays extending into the brick base shown on page 24 of the second EDG meeting packet interrupt the expression of the base, which would conflict with this guidance.
 - d. The Board indicated they would be supportive of a departure request for a cornice or overhang that exceeds the maximum structural building overhang size and enhances the building design. However, the Board noted that the proposed overhang shown at the second EDG meeting didn't appear to relate to the overall design concept.
3. **Flex space design at the southeast corner and pedestrian entrances (A-3, A-7, D-1, D-7)**
 - a. If the SE corner "flex space" is used as the primary bicycle entry, then this space needs to be lit from within, designed for safety, the entry gate/fence needs to be treated for visual interest consistent with the overall building design, and the entry needs to be designed for easy access for bikes.
 - b. If the SE corner flex space is used for the primary bicycle entry, then the east entry needs to be designed as a secondary entry, with more emphasis on the residential central entry as the primary entry.
 - c. Consider combining the bicycle and the primary residential entry areas, and minimizing the width of the trash collection point at the SE flex space.
4. **Design of live-work for use as commercial space (A-2, C-2, D-9, D-11, E-1, E-2)**
 - a. The live-work space needs to be designed for successful commercial use, including high levels of transparency and porosity, and wrapping the SW corner to make the live-work uses visible from 22nd Ave.
 - b. If the proposed use is live-work, then adequate volume and/or depth is needed to 'hide' the residential portion of the live-work. The Board expressed significant concern with the height and depth of the live-work spaces shown at the second EDG meeting.
 - c. If the proposed use is commercial use only, then it needs to be full height without the loft space and designed for maximum transparency and visibility.
 - d. The Board was very supportive of the applicant seeking DPD approval for an additional 7' height to maximize the height of the live-work or commercial base. The Board noted that this decision is a Type I decision and subject to DPD zoning approval, rather than a Type II Design Review Departure.

- e. The transparency shown at EDG is a good direction and the applicant should continue developing this aspect of the design.
 - f. The transition from 22nd to E. Olive St should include landscape and design of the corner to create clear sight lines for visibility of the commercial or live-work spaces on E. Olive St.
 - g. The Board could be supportive of reducing the commercial space for a viable loading space, if the live-work space were designed in response to the Board's direction.
5. **Landscape (E-1, E-2)**
- a. Landscape and design techniques should be included, to reduce the effects of roof top deck sound on nearby neighbors.
 - b. Design the street level landscaping near the west property line for clear sight lines and to encourage pedestrian traffic from 22nd Ave towards the commercial live/work spaces on E. Olive St.

FINAL RECOMMENDATIONS (MAY 29, 2013):

1. **The corner stair is a significant aspect of the overall design concept, given the location, the shift in the grid, and the unique architectural treatment of the stair tower. (A-1, A-2, A-10, B-1, C-2, C-4)**
 - a. The Board discussed the significance of the stair tower design in the overall design concept, and recommended a condition that the corner stair should be clad in highly transparent glass, rather than a darker glass.
 - b. The Board noted that the stair tower will need to be internally lit 24/7 in order to meet Code requirements, and the corner stair will be a significant architectural feature. Therefore, the Board recommended a condition that the lighting in the stair tower should be carefully designed to enhance the overall design concept.
 - c. The Board discussed the proposed brick base at the stair tower, and acknowledged the applicant's intent to differentiate the base of the stair tower from the adjacent commercial spaces. The Board recommended that in order to enhance the architectural concept, the materials of the stair tower should extend to the ground plane, rather than include a brick base and sill. A landscape buffer or other treatment can be used to differentiate the stair tower from the adjacent commercial, if necessary.
2. **The façade materials should be used to enhance the architectural concept.**
 - a. The Board deliberated about the visual continuity of the commercial spaces wrapping the corner from 22nd Ave to E. Olive Street, specifically the lack of a storefront window on the south façade of the west-facing commercial space near this corner. The Board recommended that if structurally possible, a window should be added on the south façade of the west-facing commercial space. (A-2, C-3, D-11)
 - b. The Board recommended a condition that dark colored frame vinyl windows should be required, as shown in the Recommendation packet drawings. (C-2, C-4)
 - c. The orange color of the cementitious panel on the upper portion of the building appears to contrast too highly with the brick base. The Board recommended a more subtle orange or other color to better complement the brick tones, as the applicant stated in the design intent. (C-2, C-4)

- d. The Board discussed the design of the bay windows on the upper portions of the south façade, and noted that the proposal meets the Land Use Code requirements for transparency in bay windows. The Board recommended that a larger amount of metal panel area in the bay windows would better enhance the design concept and create a smoother transition between glazed and solid areas. The Board therefore recommended a condition to add metal panels on the bay window areas, and recommended approval of a departure if one is needed to meet the Land use Code requirements. (C-2, C-4)
 - e. The blank wall area on the east facade is relatively small, given the site size. The Board recommended that this item met the Design review guidelines. (A-1, A-2, C-2, C-3, C-4)
 - f. The decorative metal gates at the trash door and the secured courtyard entry are reasonable design responses that provide visual interest, human scale, and security at these areas. The Board recommended that this item met the design review guidelines. (A-2, A-3, C-2, C-3, C-4, D-1, D-7, D-12)
 - g. The Board noted that it would be a positive aspect of the proposal if the existing garage materials on site could be reused in the proposed design, but declined to recommend a condition for this item. (C-1, C-4)
3. **Signage should be designed to enhance the architectural concept and the commercial character of the retail spaces. (C-2, C-4, D-9)**
- a. The Board recommended a condition that the design of the blade signs should be consistent with the overall design concept. (C-2, C-4, D-9)
 - b. The Board noted that the sign shown at the base of the stair tower is intended to draw people around the corner to the retail on either street frontage, but the design of the commercial spaces should serve that function. The Board recommended a condition to remove the sign at the base of the stair tower. (C-2, C-4, D-9)

DESIGN REVIEW GUIDELINES

The Board identified the following Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

- A-1 **Responding to Site Characteristics.** The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.
- A-2 **Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.
- A-3 **Entrances Visible from the Street.** Entries should be clearly identifiable and visible from the street.
- A-6 **Transition Between Residence and Street.** For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.
- A-7 **Residential Open Space.** Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

- A-10 **Corner Lots.** Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.
- B-1 **Height, Bulk, and Scale Compatibility.** Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.
- C-2 **Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.
- C-3 **Human Scale.** The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.
- C-4 **Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.
- D-1 **Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.
- D-6 **Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.
- D-7 **Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.
- D-9 **Commercial Signage.** Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.
- D-11 **Commercial Transparency.** Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.
- D-12 **Residential Entries and Transitions.** For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

- E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.**

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures was based upon the departure's potential to help the project better meet the design guideline priorities and achieve a better overall design than could be achieved without the departure.

- 1. Curb Cut (23.54.030):** The Code allows curb cuts for vehicular access only. Existing curb cuts must be replaced with curb and planting strip, unless the existing curb cut is approved for vehicular access with new development. The proposed development does not include vehicular access, but the applicant proposes to retain the existing curb cut to accommodate a Seattle Public Utilities request for solid waste collection requirements, and narrow the curb cut to 10'.

The inclusion of the curb cut will allow for less paved area adjacent to the sidewalk, compared with a paved landing for dumpster collection at the curb. The solid waste collection vehicles also need on-street loading areas if there's no curb cut. This would result in the loss of two on-street parking spaces.

The Board unanimously recommended that DPD grant the departure.

- 2. Structural Building Overhangs - Bay Window Transparency (23.53.035.A.4):** The Code requires a minimum transparency of 50% for bay windows that project into the public right of way. The proposed design shown at the Recommendation meeting meets this Code requirement, but the Board recommended reducing the transparency of the bay windows in order to enhance the architectural concept. The Board recommended pursuing this design option.

The reduced amount of glazing and increased amount of solid metal panel will enhance the architectural concept at the south façade, as well as reduce heat gain from the glazed windows and allow for better detailing of materials at the corners of the bay windows. (A-1, C-2, C-4)

The Board unanimously recommended that DPD grant the departure if needed, subject to the conditions listed at the end of this report.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated May 29, 2013, and the materials shown and verbally described by the applicant at the May 29, 2013 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions:

- 1. The corner stair should be clad in highly transparent glass, rather than a darker glass. (A-1, A-2, A-10, B-1, C-2, C-4)**

2. The lighting in the stair tower should be carefully designed to enhance the overall design concept. (A-1, A-2, A-10, B-1, C-2, C-4)
3. The materials of the stair tower should extend to the ground plane, rather than include a brick base and sill. (A-1, A-2, A-10, B-1, C-2, C-4)
4. If structurally possible, a window should be added on the south façade of the west-facing commercial space. (A-1, A-2, A-10, B-1, C-2, C-4)
5. Dark colored frame vinyl windows should be required, as shown in the Recommendation packet drawings. (C-2, C-4)
6. A more subtle orange or other color that complements the brick tones should be used on the cementitious siding. (C-2, C-4)
7. Metal panels should be added on either side of the glazing on the bay window areas to enhance the architectural concept. The joints at the bay windows and corners of the metal panels should be finely detailed. (C-2, C-4)
8. The design of the blade signs should be consistent with the overall design concept. (C-2, C-4, D-9)
9. The sign at the base of the stair tower should be removed from the proposal. (C-2, C-4, D-9)

Applicant response to Recommended Design Review Conditions:

1. The proposed stair tower has been modified as shown in the MUP plan set. The modification satisfies recommended design condition #1.
2. The proposed lighting has been modified as shown in the MUP plan set. The modification satisfies recommended design condition #2.
3. The base of the stair tower has been modified to include the same glazing system as above, as shown in the MUP plan set. The modification satisfies recommended design condition #3.
4. The applicant provided DPD with information and recommendations from the project's structural engineer. The information demonstrated that structural requirements needed to add a window in the south façade of the west-facing commercial space would result in design changes to the facades that are inconsistent with the recommended design. The response satisfies recommended design condition #4.
5. Dark colored frame vinyl windows are now shown in the MUP plan set. The modification satisfies recommended design condition #5.
6. The applicant has modified the color palette to include a range of colors that better enhance the proposed design concept. The modification satisfies recommended design condition #6.
7. The proposed window bay designs have been modified as shown in the MUP plan set. The modification satisfies recommended design condition #7.
8. The proposed signage concept plan has been modified as shown in the MUP plan set. The modification satisfies recommended design condition #8.
9. The proposed sign at the base of the stair tower has been removed as shown in the MUP plan set. The modification satisfies recommended design condition #9.

DECISION – DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED** subject to the conditions listed below.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 30, 2012. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for many short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Additional discussion of short and long term impacts is found below.

PUBLIC COMMENT:

The public comment period ended on January 9, 2013. Comments were received in response to the proposal, and are available for viewing in the DPD MUP file 3013256.

Short Term Impacts

Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other greenhouse gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated

with construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise.

The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a demolition, grading, or building permit, whichever is issued first.

Long Term Impacts

Historic Preservation

The Department of Neighborhoods reviewed the existing structure and determined that it is unlikely to qualify as a historic landmark (Landmarks Preservation Board letters LPB 230/13). Therefore, no mitigation is warranted for historic preservation.

Parking and Traffic

As part of the environmental checklist, the project submitted a transportation analysis (Traffic Impact Analysis by Gibson Traffic Consultants, Inc., dated March 2013, and a follow up memo dated July 16, 2013).

The project is expected to generate a net total of 191 daily vehicle trips, with 12 net new AM Peak Hour trips and 17 net new PM Peak Hour trips.

DPD's Transportation Planner has reviewed the Traffic and Parking Analysis and determined that the additional peak hour trips do not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

The Transportation Impact Analysis noted that the residential peak parking demand for this development is 32 vehicles; however that number is based on Institute of Transportation Engineers manuals that use data from more suburban development with higher parking demand. The Traffic Impact Analysis and memo note that actual peak parking demand may be closer to 19 spaces, based on information from nearby residential developments. The proposed development does not provide any off-street parking spaces for vehicles. The proposed development is not required to provide any vehicular parking, per the Land Use Code requirements.

The July 16, 2013 memo notes that the on-street parking utilization is at approximately 72% during times of highest demand, within 800 feet of the project site. This percentage translates to 83 open on-street parking spaces within 800 feet of the project site during peak parking demand times. The peak parking demand of 32 vehicles from this proposal could be accommodated by available on-street parking within 800' of the site. Therefore, the DPD Transportation Planner determined that no mitigation of parking impacts is required.

DETERMINATION OF NONSIGNIFICANCE

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this

declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Demolition, Grading, or Building Permit

1. If the applicant intends to work outside of the limits of the hours of construction described in condition #2, a Construction Noise Management Plan shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

During Construction

2. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #1.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Certificate of Occupancy

3. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

4. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

5. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Signature: (signature on file) Date: September 19, 2013
Shelley Bolser, AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

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